

REMARKS

Status of the Claims

Claims 1-26 are pending in this application.

Claims 1-27 are rejected.

Claim 27 has been canceled, without prejudice.

Claims 1-2 and 20-21 have been amended. Support for these amendments can be found throughout the specification, claims, and drawings, as originally filed.

Oath/Declaration

The Office Action states that the oath or declaration is defective and that a new oath or declaration in accordance with 37 CFR § 1.67(a) is required because non-initialed or non-dated alterations have been made to the oath or declaration.

Applicant hereby submits an updated declaration in compliance with 37 CFR § 1.67(a). The alterations have been verified, initialed, and dated by the inventor.

Specification Objections

The abstract of the disclosure was objected to because the length of the abstract exceeded 150 words and legal phraseology was used. Applicant has amended the abstract to be less than 150 words in length, and to eliminate the legal phraseology. Applicant believes that this objection has been overcome, and that no new matter has been added.

Claim Objections

The Office Action states that claim 20 recites the limitation of "the base" in Line 7 and that there is insufficient antecedent basis for this limitation in the claim. Applicant has amended claim 20 to include the limitation of "a base." Applicant believes that this objection has been overcome, and that no new matter has been added.

Rejection of Claim 27 Under 35 U.S.C. § 112

Claim 27 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language, and states that the claim is an omnibus type claim. Applicant has cancelled claim 27, and respectfully requests withdrawal of the rejection.

Rejection of Claims 1-26 Under 35 U.S.C. § 102(b)

Claims 1-26 stand rejected under 35 U.S.C. §102(b) as being clearly anticipated by International Publication Number WO 02/087922 to Olijnyk et al (hereafter "Olijnyk '922").

The Applicant respectfully traverses the 35 U.S.C. § 102(b) rejection of claims 1-26. Applicant respectfully requests reconsideration of the rejection based on the following remarks.

The law is clear that anticipation requires that a single prior art reference disclose each and every limitation of the claim sought to be rejected. The law is also clear that a claim in dependent form shall be construed to incorporate all the limitations of the claim to which it refers.

Claim 1 includes the elements of a clutch body mounted to and rotationally fixed to the base, as well as the elements of a clutch body receiving portion mounted between said sun gear and said clutch body, said clutch body receiving portion receiving a portion of said clutch body, claim 11 has been amended to include the elements of a clutch mechanism having a clutch body and a clutch body receiving portion, the receiving portion mounted between the second gear and the clutch body, the clutch mechanism preventing relative rotation between the clutch body and the second gear in an engaged position and allowing relative rotation between the clutch body and the second gear in a disengaged position, and claim 20 has been amended to include the elements of a clutch body receiving portion mounted between said sun gear and said clutch body, said clutch body receiving portion receiving a portion of said clutch body. These elements are not disclosed in Olijnyk '922. Olijnyk '922 fails to disclose a clutch body receiving portion mounted between a sun gear and a clutch body, as set forth in claims 1, 11, and 20.

The Office Action asserts that the clutch 64 of Olijnyk '922 anticipates the clutch body, and the clutch recesses 68 anticipate the clutch body receiving portion of claims 1, 11, and 20. Olijnyk '922 discloses a drive gear 56 which has four detents 60 on its upper surface and four drive gear recesses 62 between the drive gear detents. See *Page 7, Lines 10-11 of Olijnyk '922*. A clutch 64 which engages against the drive gear 56 has four detents 66 and four clutch recesses 68 between the clutch detents 66. See *Page 7, Lines 11-13*. When the clutch is engaged, the clutch detents 66 engage in the drive gear recesses 62, and the drive detents 60 engage in the clutch recesses 68. See *Page 7, Lines 13-14*. Thus, any alleged clutch receiving portion in Olijnyk '922 is not **between** a sun gear and clutch body as set forth in claims 1, 11, and 20, of the present invention. Instead, the clutch receiving portion is part of the drive gear 56.

Furthermore, it is also shown in Figure 5 that the drive gear 56 has several sections which are greater in width than the remainder of the gear, and the detents 60 and recesses 62 make up the changes in width of the drive gear 56. See *Figure 5 of Olijnyk '922*. The splines on the drive gear 56 are formed as part of the recesses 62 and detents 60. See *Figure 5 of Olijnyk '922*. Nowhere mentioned in Olijnyk '922 is a clutch body receiving portion for receiving a portion of a clutch body, as set forth in claims 1, 11, and 20 of the present invention. There is no clutch body receiving portion of the drive gear 56 as shown in Figure 5 of Olijnyk '922 because the detents 60 and recesses 62 are formed as a portion of the outer diameter of the drive gear 56 having the gear teeth. Therefore, Olijnyk '922 does not disclose a clutch body receiving portion for receiving a portion of the clutch body, as set forth in claims 1, 11, and 20.

In further regard to claim 1, the claim includes the elements of a clutch body mounted to and rotationally fixed to the base, and the elements of the sun gear biased towards engagement with the clutch body. These elements are also not disclosed in Olijnyk '922. Instead, Olijnyk '922 discloses that the clutch 64 is held into engagement with the drive gear 56 by means of a clutch spring 70. *Page 7, Lines 15-16*. The spring 70 bears against reaction member 72. *Page 7, Line 16*. The motor housing assembly 40 and 42 of Olijnyk '922 is separated from the reaction member 72 by means of bearing race 74, and the reaction member 72 engages directly against upper support member 76 into which the head 78 of the bolt 44 engages. See *page 7, Lines 16-19*. The clutch is able to move longitudinally within the motor housing because it has a splined aperture 88 which can move up and down the splined shaft 90 on the reaction member 72. *Page 8, Lines 5-7*. It is also shown in Figure 5 that located between the housing 40 and the clutch 64, is a bearing race 74, the reaction member 72, and the spring 70. See *Figure 5 of Olijnyk '922*. Therefore, the clutch 64 cannot be connected

to the base, as set forth in claim 1. Also, the spring 70 of Olijnyk '922 actually compresses the clutch 64, the spring 70 does not bias the drive gear 56. The drive gear 56 of Olijnyk '922 is not biased, but rather the clutch 64. Nowhere in the figures or the disclosure of Olijnyk '922 is there mentioned a clutch body which is mounted to and rotationally fixed to a base, or a sun gear biased toward the engagement with a clutch body. Therefore, Olijnyk '922 does not disclose all the elements of claim 1.

Furthermore, Applicant submits that the present invention is also not rendered obvious by Olijnyk '922.

Establishing a *prima facie* case of obviousness requires that the proposed combination of references teach or render obvious all of the elements of the rejected claims. Applicant maintains that Olijnyk '922 falls short of teaching all of the elements of claims 1, 11, and 20. Claims 1, 11 and 20 all include the elements of a clutch body receiving portion mounted between a sun gear and a clutch body. It would not have been obvious to modify Olijnyk '922 to arrive at the present invention because the detents 60 and the recesses 62 are specifically formed as part of the splines of the drive gear 56, and are used to engage the gear 56 to the clutch 64. There is no mention in Olijnyk '922 of a clutch body receiving portion. Therefore, it would not have been obvious to modify Olijnyk '922 to arrive at the present invention, as set forth in claims 1, 11, and 20.

Furthermore, with regard to claim 1 having the elements of a clutch body mounted to and rotationally fixed to the base, it would not have been obvious to modify Olijnyk '922 to arrive at these elements because the disclosure of Olijnyk '922 specifically states that the clutch is held to engagement with the drive gear 56 through the use of a clutch spring 70, and the spring 70 bears against the reaction member 72.

See Page 7, Lines 15-16. The clutch is able to move longitudinally within the motor housing because it has a splined aperture 88 which can move up and down the splined shaft 90 on the reaction member 72. *Page 8, Lines 5-7.* Olijnyk '922 also shows the bearing race 74 located between the reaction member 72 and the motor assembly housing 40. *See Figure 5 of Olijnyk '922.* Therefore, it would not have been obvious to modify Olijnyk '922 to arrive at the elements of a clutch body mounted to and rotationally fixed to the base, as set forth in claim 1.

In view of the foregoing, the Applicant respectfully submits that claims 1, 11, and 20 define over the art cited by the Examiner, and respectfully requests withdrawal of the rejection. Likewise, claims 2-10, which depend either directly or indirectly from claim 1, claims 12-19, which depend either directly or indirectly from claim 11, and claims 21-26, which depend either directly or indirectly from claim 20, further define the invention and define over the art cited by the Examiner. Thus, Applicant respectfully requests withdrawal of the rejection.

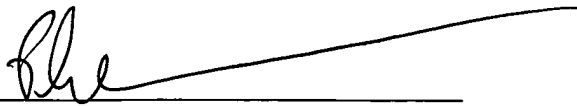
CONCLUSION

It is respectfully submitted that in view of the above amendments and remarks the claims 1-26, as amended, are patentably distinguishable because the cited patents, whether taken alone or in combination, do not teach, suggest or render obvious, the present invention. Therefore, Applicant submits that the pending claims are properly allowable, which allowance is respectfully requested.

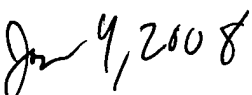
The Examiner is invited to telephone the Applicant's undersigned attorney at
(248) 364-4300 if any unresolved matters remain.

Respectfully submitted,

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